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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,252	08/03/2001	Jen-Shou Tseng	112.P14025	7618
43831 7590 08/23/2007 BERKELEY LAW & TECHNOLOGY GROUP, LLP 17933 NW Evergreen Parkway, Suite 250 BEAVERTON, OR 97006			EXAMINER VILLECCO, JOHN M	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 08/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/922,252

Applicant(s)

TSENG ET AL.

Examiner

John M. Villecco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7,8 and 11-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,8 and 11-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 2, 4, 5, 7, 8, and 11-26 have been considered but are moot in view of the new ground(s) of rejection. In particular, applicant has amended each of independent claims 1, 4, 7, and 12 in an attempt to overcome the prior art of record. However, these new amendments appear to introduce new matter. Please see the 112, 1st paragraph rejection regarding new matter on the following pages.
2. Additionally, applicant argues that the Hayakawa reference fails to explicitly disclose an optical component configured to pivot about at least two generally perpendicular axes. However, the examiner disagrees with this assertion. In particular, the examiner can interpret both of mirrors 51 and 52 to be the optical component. If mirrors 51 and 52 of Figure 7 were interpreted to be the optical component it would be pivotable about two generally perpendicular axes. For this reason the art rejection of claims 1 and 4 will also be maintained. Furthermore, applicant's amendment obviated the need for the Umeda reference to disclose a vibration sensor mounted on the mounted on the light sensing device, thereby reducing the rejections to 102 rejections.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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4. Claims 1, 2, 4, 5, 7, 8, and 11-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular the above referenced claims introduce new matter that was not originally disclose in the filed application. See MPEP § 2163.06 and 2163.07.

5. Regarding *claims 1 and 4*, applicant has amended each of these claims to include some form of the limitation of the adjusting the optical path or light path by pivoting the optical component about at least two generally perpendicular axes. After a careful review of the specification, the examiner can find no mentioning of an optical component that can be adjusted to pivot about at least two perpendicular axes. Applicant does disclose that vibration can occur in x, y, and z directions. See paragraphs 0003, 0016 and 0020. However, these sections do not disclose that the optical component is pivoted about at least two generally perpendicular axes. Applicant merely discloses that the optical component is pivoted about one axis (Fig. 2) to correct for the detected vibrations. Furthermore, applicant discloses two different embodiment in which the vibrations are correct – one in which the vibrations are corrected via the mirror and one in which the vibrations are corrected by shifting the platform. An embodiment is never disclosed in which both means of correcting the vibrations are disclosed. Furthermore, even if there were an embodiment in which both means of correction were disclosed in the same embodiment, one of the means (the moving of the platform) would not be rotated about an axis.

6. Claims 2, 11, 15-20, and 24-26 are rejected based on their dependency to claims 1 and 4, respectively.

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7. As for **claim 7**, applicant has amended the claim to recite the limitation of “means for sensing a vibration of a light sensing device of an optical scanner relative to a housing of the optical scanner...” (emphasis added) After a thorough review of the specification, the examiner can find no mentioning of sensing the vibration of the light sensing device relative to a housing of the optical scanner. The specification merely discloses that the vibration sensor senses vibration of the light sensitive device. See paragraphs 0005, 0006, 0017, 0021, and 0023. Applicant never discloses that the vibration sensor senses vibration relative to a housing of the optical scanner.

8. Claims 8 and 21-23 are rejected based upon their dependency to claim 7.

9. With regard to **claim 12**, applicant has amended the claim to recite the limitation of “a vibration sensor to isolate a magnitude of vibration of said light sensing device from a magnitude of vibration of the apparatus...” (emphasis added) After a thorough review of the specification, the examiner can find no mentioning the vibration sensor being capable of isolating a magnitude of vibration of the light sensing device from a magnitude of vibration of the apparatus. The specification merely discloses that the vibration sensor senses vibration of the light sensitive device. See paragraphs 0005, 0006, 0017, 0021, and 0023. Applicant never discloses that the vibration sensor is capable of isolating a magnitude of vibration of the light sensing device from a magnitude of vibration of the apparatus.

10. Claims 13 and 14 are rejected based upon their dependency to claim 12.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. **Claims 1, 2, 4, 5, 11, 16, 17, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayakawa et al. (U.S. Patent No. 6,130,993).**

13. Regarding *claim 1*, Hayakawa discloses camera having an image stabilizer for reducing the effects of camera shake during a photographing operation. More specifically, Hayakawa discloses a light sensing device (CCD, 16), an optical system (mirrors, 51 and 52) pivotable about two perpendicular axes (C and D), a vibration sensor (vibration sensor, 38) for detecting a magnitude of vibration of the light sensing device (col. 10, lines 36-38), a controller (CPU, 40) connected to the vibration sensor for measuring the magnitude of vibration of the light sensing device and producing a corresponding actuator signal, and an actuator (second stepper motor, 25) connected to the CPU (40) and the optical system (mirror, 51 and 52) for moving the mirrors (51 and 52) such that effects due to vibration are minimized. See column 8, line 20 to column 10, line 67 and Figures 1 and 4.

14. As for *claim 2*, Hayakawa discloses that the optical system is a mirror (14), where in the actuator (stepper motor, 25) adjusts the mirror (14) by rotating it in order to reduce camera shake. See column 12, line 8 to column 13, line 31 and Figure 6.

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15. Regarding **claim 4**, Hayakawa discloses camera having an image stabilizer for reducing the effects of camera shake during a photographing operation. More specifically, Hayakawa discloses a light sensing device (CCD, 16), an optical system (mirrors, 51 and 52) pivotable about two perpendicular axes (C and D), a vibration sensor (vibration sensor, 38) for detecting a magnitude of vibration of the light sensing device (col. 10, lines 36-38), a controller (CPU, 40) connected to the vibration sensor for measuring the magnitude of vibration of the light sensing device and producing a corresponding actuator signal, and an actuator (second stepper motor, 25) connected to the CPU (40) and the optical system (mirror, 51 and 52) for moving the mirrors (51 and 52) such that effects due to vibration are minimized. See column 8, line 20 to column 10, line 67 and Figures 1 and 4. Although Hayakawa fails to specifically disclose how the vibration sensor is mounted on the light sensing device, it is inherently mounted somewhere on the body of the light sensing device (camera body (10) and film/CCD (16)) since that is the only place where a magnitude of vibration of the light sensing device can be accurately measured. Thus, since the claims do not require the vibration sensor to be mounted directly on the light sensitive charge storage device, Hayakawa meets the claim language because it still measures the magnitude of vibration of the light sensitive charge storage device. The claim language is sufficiently broad enough to read any portion of the camera (10) as the light sensitive charge storage device.

16. As for **claim 5**, as mentioned above in the discussion of claim 4, Hayakawa discloses that the optical system is a mirror (51 and 52), where in the actuator (stepper motor, 25) adjusts the mirror (51 and 52) by rotating it in order to reduce camera shake. See column 12, line 8 to column 14, line 65 and Figures 6 and 7.

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17. With regard to *claim 11*, Hayakawa discloses that the image pickup device can be a CCD (col. 8, line 22).

18. As for *claim 16*, the vibration sensor (38) of Hayakawa senses the angular speed of the camera. This is interpreted by the examiner as detecting movement. See column 10, lines 30-45.

19. Regarding *claim 17*, the vibration sensor (38) of Hayakawa determines a movement in a horizontal and vertical direction. Depending on a frame of reference, the horizontal and vertical direction can be any one of an X, Y, or Z directions.

20. With regard to *claim 19*, the vibration sensor (38) of Hayakawa senses the angular speed of the camera. This is interpreted by the examiner as detecting movement. See column 10, lines 30-45.

21. Regarding *claim 20*, the vibration sensor (38) of Hayakawa determines a movement in a horizontal and vertical direction. Depending on a frame of reference, the horizontal and vertical direction can be any one of an X, Y, or Z directions.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. **Claims 15, 18, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayakawa et al. (U.S. Patent No. 6,130,993).**

24. Regarding *claim 15*, MPEP § 2114 states that apparatus claims must be distinguishable from the prior art in terms of structure rather than function. Therefore, the limitation found in claim 15 reciting the function of the optical scanner is not given patentable weight. However, in order counter any arguments, a rejection will also be made on claim 15. As mentioned previously in the discussion of claim 1, the combination of Hayakawa and Umeda discloses all of the limitations of the parent claim. However, the aforementioned references fail to explicitly disclose that the apparatus is adapted to scan a document. Official Notice is taken as to the fact that it is well known in the art to use a camera to capture an image of a document. By capturing an image of a document the document can be electronically stored and viewed without the need to save a physical copy of the document and allows for transmission of that document over a plurality of media. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to capture a document using the camera of Hayakawa so that the image of the document can be electronically saved for future viewing.

25. Regarding *claim 18*, as mentioned previously in the discussion of claim 4, Hayakawa discloses all of the limitations of the parent claim. However, Hayakawa fails to explicitly disclose that the method comprises scanning a document. Official Notice is taken as to the fact that it is well known in the art to use a camera to capture an image of a document. By capturing an image of a document the document can be electronically stored and viewed without the need to save a physical copy of the document and allows for transmission of that document over a plurality of media. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to capture a document using the camera of Hayakawa so that the image of the document can be electronically saved for future viewing.

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26. Regarding **claim 24**, MPEP § 2114 states that apparatus claims must be distinguishable from the prior art in terms of structure rather than function. Therefore, the limitation found in claim 15 reciting the function of the optical scanner is not given patentable weight. However, in order counter any arguments, a rejection will also be made on claim 15. As mentioned previously in the discussion of claim 1, the combination of Hayakawa and Umeda discloses all of the limitations of the parent claim. However, the aforementioned references fail to explicitly disclose that the apparatus is adapted to scan a document. Official Notice is taken as to the fact that it is well known in the art to use a camera to capture an image of a document. By capturing an image of a document the document can be electronically stored and viewed without the need to save a physical copy of the document and allows for transmission of that document over a plurality of media. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to capture a document using the camera of Hayakawa so that the image of the document can be electronically saved for future viewing.

27. As for **claim 25**, the vibration sensor (38) of Hayakawa senses the angular speed of the camera. This is interpreted by the examiner as detecting movement. See column 10, lines 30-45.

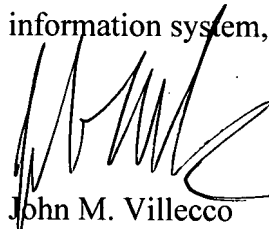
28. Regarding **claim 26**, the vibration sensor (38) of Hayakawa determines a movement in a horizontal and vertical direction. Depending on a frame of reference, the horizontal and vertical direction can be any one of an X, Y, or Z directions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (571) 272-7319. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John M. Villecco
Primary Examiner, Art Unit 2622
August 19, 2007